

IC 20-14-8

Chapter 8. Organization of Library Services Authorities

IC 20-14-8-1

Application and purpose of chapter; qualified entities

Sec. 1. (a) This chapter applies to the following, which are referred to as "qualified entities" in this chapter:

- (1) All public libraries.
- (2) All other libraries that are supported by public funds but that are not organized under this article.
- (3) All private corporations or organizations that provide library services.
- (4) All library service authorities established under this chapter.

(b) The purpose of this chapter is to:

- (1) encourage the development of all types of library services; and
- (2) promote the efficient use of finances, personnel, materials, and property;

by enabling qualified entities to form library services authorities that will provide such services and facilities as the qualified entities determine.

As added by P.L.224-1983, SEC.1. Amended by P.L.54-1983, SEC.10.

IC 20-14-8-2

Authorization to initiate library services authority; adoption of joint agreement; requisites

Sec. 2. (a) Two (2) or more qualified entities, less than half of which may be private corporations or organizations, may initiate a library services authority under this chapter by adopting a written joint agreement. The body or officer having the authority to sign contracts on behalf of a corporation or organization may sign the joint agreement on behalf of that corporation or organization.

(b) The joint agreement must include the following details of the proposed library services authority:

- (1) The name, to be given as _____ Library Services Authority.
- (2) The official address and county of location of the principal place of business.
- (3) A description of the library facilities to be operated and the library services to be provided.
- (4) Specification of the place and of the convening chairman who shall set the date and the time of the organizational meeting of the board of directors and who shall serve as temporary chairman.
- (5) The names of the qualified entities signing the agreement, which are to become participants in the library services authority.
- (6) The date of the agreement.

(c) As used in this section, "library facilities" means buildings,

bookmobiles, rooms, or other definable and palpable structures or areas and the library materials and equipment contained therein that are used in the operation or provision of library services.

(d) As used in this section, "library services" means those activities in which libraries engage:

- (1) in the planning, management, budgeting, financing, purchasing, staffing, and evaluation of their libraries;
- (2) in the selection, acquisition, processing, and maintenance of their collections of materials and the related bibliographic records; and
- (3) in the promotion, interpretation, servicing, and use of their library materials and facilities.

As added by P.L.224-1983, SEC.1.

IC 20-14-8-3

Approval of joint agreement by attorney general; procedure

Sec. 3. (a) Upon the adoption of the joint agreement calling for the establishment of the library services authority by two (2) or more of the qualified entities, the agreement shall be submitted to the attorney general of Indiana who shall determine whether the agreement is in proper form and compatible with the laws of the state. The attorney general shall approve each of these agreements submitted to him unless he finds that they are not legal, in which case he shall detail in writing, addressed to each of the qualified entities adopting the agreement for the establishment of the library services authority, the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted under this chapter within thirty (30) days of its submission constitutes approval of the agreement.

(b) The library services authority initiated by the joint agreement is legally established when the attorney general has approved the agreement either by specific written approval or by the failure to indicate disapproval within the required time. The qualified entities originally signing the agreement are members of the library services authority. A copy of the agreement and originally signed copies of the adopted resolutions, ordinances, orders, statements of participation, or other recorded acts shall be filed with the Indiana state library within forty (40) days after the date of the submission of the agreement to the attorney general for his action.

As added by P.L.224-1983, SEC.1.

IC 20-14-8-4

Procedure for change of joint agreement

Sec. 4. The board of directors may change any detail or details of the joint agreement as specified in this section upon the recommendation of the executive committee or petition of three (3) directors, if notice of the proposed change is sent to each qualified entity that is a participant in the library services authority at least sixty (60) days before the meeting at which the change is to be considered. However, the application of a new qualified entity may

be considered at any time. Upon approval of the change of the joint agreement, a notice of the action taken by the board of the library services authority shall be filed with the Indiana state library.

As added by P.L.224-1983, SEC.1. Amended by P.L.54-1983, SEC.11.

IC 20-14-8-5

Participation by new qualified entities; procedure

Sec. 5. (a) After the legal establishment of the library services authority as provided by this chapter, any qualified entity may become a participant in the library services authority after:

- (1) adoption by resolution, ordinance, order, statement of participation, or other recorded act of the joint agreement as then in force;
- (2) providing for its pro rata share, if any, of the library services authority's budget for the fiscal year in which the applicant wishes to join the authority;
- (3) meeting all conditions provided in the bylaws or in the rules; and
- (4) approval by a majority of the board of directors.

(b) If the qualified entity is a private corporation or organization and its participation would create the same number or more private participants than other participants in the library services authority, then its participation does not take effect until there are sufficient other participants, after the admission of the applicant, to comply with section 2(a) of this chapter.

(c) The library services authority shall file with the Indiana state library an originally signed copy of the joint agreement and adopting action.

As added by P.L.224-1983, SEC.1.

IC 20-14-8-6

Procedure and requisites for withdrawal from or dissolution of authority

Sec. 6. (a) Any qualified entity that is a participant in the library services authority may withdraw from the authority by any recorded act of that qualified entity:

- (1) after it has made provisions for the payment and performance of its obligations; and
- (2) upon notification to the library services authority, six (6) months before the end of the fiscal year in which it is participating in the library services authority, that it is discontinuing its participation in the library services authority.

(b) Upon discontinuing participation in the library services authority, the discontinuing qualified entity relinquishes its rights to any funds, supplies, materials, equipment, or other real or personal property held by or belonging to the authority and in which the qualified entity had a right by virtue of its participation, unless provision to the contrary is made by the official action of the board of directors.

(c) Upon the receipt of notification to discontinue participation and the satisfaction of all obligations by the withdrawing participant, the board of directors shall officially note the withdrawal and shall file notice of the resulting change in the joint agreement:

(1) in the office of the recorder of the county in which the authority's principal place of business is located; and

(2) with the Indiana state library.

(d) The library services authority is dissolved when:

(1) the board of directors of the authority votes to dissolve it;

(2) such action is de facto by the notice of discontinuance of participation by the next to last remaining participant; or

(3) there is an excessive number of private qualified entities participating in the authority.

Upon the occurrence of any of these conditions, the board of directors shall dispose of the assets by division among the participants at the time of dissolution and in the proportion and in the manner determined by the board of directors.

(e) The dissolution does not take effect until all legal and fiscal obligations of the library services authority have been satisfied, and an official record of the dissolution is filed in the office of the recorder of the county in which the authority's principal place of business is located. Until such satisfaction of obligations has occurred and the record of dissolution has been filed, the final members of the authority shall continue to be members.

As added by P.L.224-1983, SEC.1. Amended by P.L.54-1983, SEC.12.

IC 20-14-8-7

Board of directors; appointment; qualifications

Sec. 7. (a) Within ten (10) days after the legal establishment of the library services authority, each qualified entity that is participating shall appoint its representative or representatives to the board of directors of the library services authority as follows:

(1) When there are fewer than four (4) participants in the library services authority, each qualified entity shall appoint four (4) directors to the board of directors.

(2) When there are more than three (3) but fewer than ten (10) participants in the library services authority, each qualified entity shall appoint two (2) directors.

(3) When there are ten (10) or more participants in the library services authority, each qualified entity shall appoint one (1) director.

(b) A director may be a member of the governing body of the qualified entity, a librarian, or any other person who in the opinion of the qualified entity will best serve the library interests of the qualified entity.

As added by P.L.224-1983, SEC.1.

IC 20-14-8-8

Board of directors; terms of office

Sec. 8. (a) Upon the expiration of the ten (10) day period prescribed by section 7 of this chapter, the directors who have been appointed shall meet as specified in the joint agreement and determine by lot, in as nearly equal groups as possible, as follows:

- (1) The one-third (1/3) of the directors who have an initial term of one (1) year.
- (2) The one-third (1/3) who have an initial term of two (2) years.
- (3) The one-third (1/3) who have an initial term of three (3) years.

(b) This determination is for the initial terms of office for all directors. After the initial terms end, all appointments to the board of directors are for three (3) years. Appointments to fill vacancies are for the unexpired term only.

As added by P.L.224-1983, SEC.1.

IC 20-14-8-9

Board of directors; executive committee; treasurer and assistant treasurer

Sec. 9. (a) Upon the determination of the initial terms of office of the directors, an executive committee shall be elected for a term of one (1) year from the membership of the board of directors by vote on nominations from the floor. The executive committee consists of:

- (1) a president;
- (2) a vice president;
- (3) a secretary;
- (4) a treasurer; and
- (5) if the total number of directors for the library services authority exceeds eight (8), three (3) members-at-large.

The named offices have the duties and powers normally incumbent upon those offices.

(b) A director may not serve on the executive committee for more than four (4) consecutive years or in the same office for more than two (2) consecutive years. Executive committee elections shall be held annually in the manner prescribed by the bylaws of the library services authority.

(c) The treasurer:

- (1) is the official custodian of all library services authority funds;
- (2) is responsible for the proper safeguarding and accounting for all library services authority funds;
- (3) shall issue warrants approved by the executive committee or the board in payment of expenses lawfully incurred in behalf of the library services authority; and
- (4) shall make financial reports of library services authority funds and present the reports to the executive committee or board as requested by the executive committee or board.

(d) The board may prescribe the powers and duties of the treasurer consistent with this chapter.

(e) The treasurer shall give a surety bond for the faithful

performance of his duties and for the accurate accounting of all money coming into his custody. The bond must be:

- (1) written by an insurance company licensed to do business in Indiana;
- (2) for the term of office of the treasurer;
- (3) in an amount determined by the board;
- (4) paid for with money from library services authority funds;
- (5) payable to the state of Indiana;
- (6) approved by the board; and
- (7) deposited in the office of the recorder of the county in which the library services authority is located.

(f) The executive committee, with the approval of the board of directors, may appoint a person, who may be an employee of the library services authority, to serve as assistant treasurer. The assistant treasurer:

- (1) has those duties specified by the executive committee or the board;
- (2) may be compensated for the performance of his duties; and
- (3) may be removed by the executive committee or the board at any meeting of the committee or board by a majority vote of the entire membership of the body.

As added by P.L.224-1983, SEC.1. Amended by P.L.54-1983, SEC.13.

IC 20-14-8-10

Board of directors; appointments by new participants

Sec. 10. (a) Within ten (10) days after the approval of a new participant under section 5 of this chapter, the new participant shall appoint as many directors as each of the other participants has appointed. The initial terms of the new directors shall be determined by the executive committee so that, as nearly as possible, the terms of one-third (1/3) of the total board of directors end each year.

(b) If the addition of a new participant increases the number of participants in the library services authority so that each participant would appoint fewer representatives to the board of directors, the board of directors shall be reestablished in the manner prescribed by section 7 of this chapter.

(c) Immediately after the organizational meeting of the board of directors, the board shall adopt bylaws providing for the board's procedures and management.

As added by P.L.224-1983, SEC.1.

IC 20-14-8-11

Board of directors; executive committee; powers and duties; meetings

Sec. 11. (a) The board of directors of the library services authority:

- (1) shall nominate and elect its officers and participants of the executive committee;
- (2) shall adopt bylaws, administrative procedures, and rules for

the conduct of business of the board, the executive committee, and the library services authority;

(3) shall adopt a fiscal year;

(4) may change the address of the principal place of business of the authority;

(5) may consider and act upon recommendations of the executive committee in those matters specified in this section;

(6) may adopt rules governing the termination of directors for cause; and

(7) may deal with other matters that may be appropriate.

(b) The board of directors shall meet at least annually. Special meetings may be called by the president or any three (3) directors. A quorum of appointed members of the board is required for the transaction of business, and a concurrence of two-thirds (2/3) of the directors present is necessary to approve or to authorize any action. A director may designate an individual to vote as proxy for that director if written authorization is delivered to the secretary of the executive committee before a board of directors meeting. If a director votes by means of a proxy, the director shall be considered present at the meeting of the board of directors for purposes of constituting a quorum under this subsection and section 5 of this chapter.

(c) The executive committee of the library services authority shall manage and conduct the business of the library services authority. However, unless otherwise properly delegated to the executive committee or administrative personnel in the bylaws, the board of directors must approve:

(1) amendments to the joint agreement;

(2) the budget;

(3) statements of policy;

(4) rules;

(5) the development program and plans;

(6) the appointment of or arrangement for the chief administrative officer;

(7) legal matters;

(8) purchases of property and equipment in accordance with IC 5-22;

(9) contracts for the purchase of services, materials, equipment, and other real or personal property;

(10) sales of services or material other than those for which the library services authority was created; and

(11) the acceptance or release of participants in the authority and related matters.

(d) In the discharge of its duties, the executive committee shall meet at least quarterly. Special meetings may be called by the president or any two (2) participants of the committee. A majority of the committee participants constitutes a quorum for the transaction of business, and a concurrence of a majority of the participants of the committee is necessary to authorize any action.

(e) Except for the election of officers and adoption or amendment of the bylaws, the bylaws may provide that any action required or

permitted to be taken at any meeting of the board may be taken without a meeting if before this action a written consent to the action is signed by a majority of the board of directors appointed under section 7 of this chapter.

As added by P.L.224-1983, SEC.1. Amended by P.L.54-1983, SEC.14; P.L.142-1988, SEC.1; P.L.49-1997, SEC.60.

IC 20-14-8-12

Board of directors; quorum

Sec. 12. For purposes of this chapter, a quorum consists of:

- (1) a majority of the appointed members of the board when there are one hundred (100) or fewer participants in the library services authority; or
- (2) fifty-one (51) appointed members of the board when there are more than one hundred (100) participants in the library services authority.

As added by P.L.142-1988, SEC.2.